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Counsel for James Nelsen

FOR SOOTAGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES NELSEN,

Defendant.

No. CR 09-01168 RMW

STIPULATION RE CONTINUANCE
OF STATUS DATE; ☐
ORDER

It is hereby stipulated between the defendant James Nelsen, by and through his attorney of record VICKI H. YOUNG, and the government, through Assistant United States Attorney Jeffrey B. Schenk, that the status date of February 13, 2012, at 9:00 a.m. be continued to February 21, 2012, at 9:00 a.m. The reason for this continuance is that the psychiatrist retained to evaluate Mr. Nelsen will not be able to complete his examination of Mr. Nelsen until this weekend. Once the psychiatrist provides his opinion to defense counsel, defense counsel will need a few days to decide how to proceed. A continuance to February 21, 2012, will allow the expert sufficient time to complete the evaluation and consult with defense counsel.

Under Title 18 U.S. C. §3161(h)(7)(B)(iv), the continuance is necessary to allow the attorneys for the government and the defense the reasonable time necessary for effective preparation taking

STIPULATION RE CONTINUANCE;
☐ ORDER

1 into the account the exercise of due diligence. Since defense counsel is awaiting the mental status
2 evaluation, the time period from February 13, 2012, through February 21, 2012, should be excluded.

3 It is so stipulated.

4 Dated: February 9, 2012

Respectfully submitted,

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7 /s/ Vicki H. Young
VICKI H. YOUNG, ESQ.
8 Attorney for James Nelsen

9 Dated: February 9, 2012

MELINDA HAAG
UNITED STATES ATTORNEY

11
12 /s/ Jeffrey B. Schenk
JEFFREY B. SCHENK
13 Assistant United States Attorney

26 STIPULATION RE CONTINUANCE;
[] ORDER


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ORDER

GOOD CAUSE BEING SHOWN, the status date appearance set for February 13, 2012, is continued to February 21, 2012. This Court finds that the period from February 13, 2012, through and including February 21, 2012, is excludable time under the Speedy Trial Act, 18 U.S.C. §3161(h). The basis for such exclusion is that additional time is needed for defense counsel to have a mental status examination of the defendant. Therefore the ends of justice served by such a continuance outweigh the best interest of the public and the defendants in a Speedy Trial within the meaning of Title 18 U.S.C §3161(h)(7)(A).

As required by 18 U.S.C §3161 (h)(7)(A), this Court finds that the reason that the ends of justice outweigh the best interest of the public and the defendant in a speedy trial are the denial of the continuance would unreasonably deny both the attorney for the government and the attorney for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

DATED: ~~GEFG~~



RONALD M. WHYTE
SENIOR UNITED STATES DISTRICT JUDGE